

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

|                            |   |                                   |
|----------------------------|---|-----------------------------------|
| STATE OF OKLAHOMA,         | ) |                                   |
|                            | ) |                                   |
|                            | ) |                                   |
| Plaintiff,                 | ) |                                   |
|                            | ) |                                   |
| vs.                        | ) |                                   |
|                            | ) |                                   |
| TYSON FOODS, INC., et al., | ) | <b>Case No. 05-CV-329-GKF-PJC</b> |
|                            | ) |                                   |
| Defendants.                | ) |                                   |
|                            | ) |                                   |
|                            | ) |                                   |
|                            | ) |                                   |

**ORDER**

Before the Court are the following discovery motions, grouped here into related topical categories, which the Court rules on as follows:

1. The Cargill Defendants’ Motion to Expedite Rulings (Dkt. # 1943) and Defendants’ Motion to Expedite Ruling on Dkt. # 1946 (Dkt. # 1947) are GRANTED.
2. Defendant Tyson Foods, Inc.’s Motion to Reconsider the Court’s 02/26/07 Protective Order Prohibiting the Deposition of Attorney General Edmonson (Dkt. # 1921) is DENIED. The Court finds that, because Locust Grove is outside of the Illinois River Watershed (“IRW”), the subject matter of the proposed deposition is irrelevant.
3. The State’s Motion for Protective Order (Dkt. # 1933) is GRANTED IN PART AND DENIED IN PART, and the Cargill Defendants’ Motion to Compel Complete Responses to Their Discovery Requests (Dkt. # 1941) is DENIED as MOOT. The Cargill Defendants may take a 30(b)(6) deposition of the State in lieu of written discovery regarding certain Cargill-specific evidence. The Court directs the Cargill Defendants to prioritize the topics to be covered in a two-day 30(b)(6) deposition and to provide a copy of that priority list to the State by April

13, 2009, after which the State and Cargill Defendants will meet and confer about the list on or before April 17, 2009, to develop a deposition plan. The Court directs the parties to strive to schedule and complete both days of the 30(b)(6) deposition by April 24, 2009, but in no case shall the 30(b)(6) deposition be completed later than May 1, 2009. The Cargill Defendants are entitled to two days of 30(b)(6) depositions, each day lasting no more than seven hours, exclusive of any cross-examination by the State. At the conclusion of those two days, this deposition is concluded, whether or not all of the topics on Cargill's prioritized list have been addressed.

4. The Cargill Defendants' Motion to Compel Complete Expert Disclosures (Dkt. # 1940) and certain other defendants' joinder in the motion (George's, Dkt. # 1964; Peterson, 1965; Simmons, 1966; Cal-Maine, 1968) is GRANTED and the Cargill Defendants' Motion to Strike Plaintiff's Natural [Resource] Damages Reports (Dkt. # 1938) and certain other defendants' joinder in the motion (George's, Dkt. # 1964; Peterson, 1965; Simmons, 1966; Cal-Maine, 1968) is found MOOT based on the Court's ruling on Dkt. # 1940.

The State is directed to provide Defendants, by April 10, 2009, an additional disclosure consistent with the transcript of the April 7, 2009 motions hearing. The depositions of Drs. Bishop, Hanemann, and Kanninen scheduled for April 14, 15, and 16, respectively, are suspended. In the event Defendants wish to take the deposition of Drs. Bishop, Hanemann, Kanninen, Krosnick, and/or Morey, such depositions shall be completed no later than May 1, 2009.

5. Parties' Joint Motion for Leave to Take Certain Depositions Beyond the Discovery Deadline (Dkt. # 1953) is GRANTED. The parties may take the depositions of Jack Jones, Kenneth Cummins, Richard Merritt, James Chadwick, Dwayne Edwards and Gordon Rausser on

the agreed-upon dates after the discovery deadline. The Court reminds the parties that the discovery deadline of April 16, 2009 still stands, except for the May 15, 2009 deadline for the State's depositions of Defendants' damages experts, and no additional extensions of that deadline will be permitted without leave of this Court.

6. Defendants' Motion to Extend Discovery Deadline for Certain Depositions (Dkt. # 1946) is GRANTED consistent with the agreement of the parties as set forth in greater detail in the transcript of the April 7, 2009 motions hearing. The deposition of Quang Pham shall take place on or before May 1, 2009. The deposition of David Payne shall take place on April 27 and April 28, 2009.


7. The Tyson Defendants' oral motion to extend the discovery deadline to allow for Kevin Igli's deposition is GRANTED. The State will take Mr. Igli's deposition on May 1, 2009.

8. The Tyson Defendants' oral motion for leave to file a motion for protective order concerning the deposition of John Tyson is GRANTED. The Tyson Defendants shall file the motion for a protective order on or before April 13, 2009. Plaintiff shall file its response on or before April 16, 2009. The noticed deposition of John Tyson is continued until the Court rules on the Tyson Defendants' motion for a protective order.

9. The State's oral motion for an order directing the defendants subject to the Court's March 13, 2009 Order (Dkt. # 1920) to comply with that Order's directions on the disclosure of certain financial data is GRANTED. As set forth in greater detail in the transcript of the April 7, 2009 motions hearing, each defendant that is subject to the Court's March 13, 2009 Order shall produce the balance sheet from its last audited financial statement and its most current balance sheet to the State by April 9, 2009. If a defendant takes the position that it has already complied

with the Court's March 13, 2009 Order, the defendant shall so notify the State's counsel by April 9, 2009, unless that defendant has already so notified the State's counsel.

IT IS SO ORDERED, this 14th day of April 2009.



Paul J. Cleary  
United States Magistrate Judge